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EXAMINER: Iqbal Chowdhury, Ph.D.

FROM: David R. Saliwanchik

COMPANY: U.S. Patent Office
Art Unit 1652

DATE: December 4, 2006

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SUBJECT/MESSAGE:

Serial No. 10/519,826; filed December 30, 2004
Attorney Docket No. BB-123

1. Preliminary Amendment and Election under 35 USC § 121 (8 pages)

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PRELIMINARY AMENDMENT &
ELECTION UNDER 35 USC § 121
Patent Application
Docket No. BB-123
Serial No. 10/519,826

December 4, 2006David Saliwanchik
David R. Saliwanchik, Patent Attorney

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Examiner : Iqbal H. Chowdhury, Ph.D.
Art Unit : 1652
Applicants : Diego Walther, Michael Bader
Serial No. : 10/519,826
Conf. No. : 3100
Filed : December 30, 2004
For : Neuronally Expressed Tryptophane Hydroxylase and Its Use

Mail Stop Amendments
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P.O. Box 1450
Alexandria, VA 22313-1450

PRELIMINARY AMENDMENT AND ELECTION UNDER 35 USC §121

Sir:

In response to the written Restriction Requirement dated November 3, 2006, the applicants' hereby elect, with traverse, to prosecute the Group II claims, i.e. claims 2, 3 and 25-27, drawn to isolated tryptophan hydroxylase polypeptide. The applicants further elect the protein of SEQ ID NO:2.

Amendments to the Claims are reflected in the listing of claims beginning on page 2 of this paper.

Remarks and Election follow the amendment sections of this paper.

J:\bb\123\elect-Preamend.doc\DNB\la